

Recommendations from the Police Complaint Working Group Citizen Review and Subpoena Power

On April 26, 2016, City Council held a Study Session on the topic of citizen review. Following that Study Session, Council directed the Chief of Police to form a working group that was to be tasked with a more in-depth study of the topic. Chief Anthony Cobb formed a Police Complaint Working Group in June 2016, and that group was specifically tasked with gathering input, making specific recommendations for improving the existing complaint and use of force review processes, and gathering information from the parties most affected by those processes.

The Police Complaint Working Group met nine times between July and December of 2016. During their meetings, the Working Group studied the Police Department's current processes for investigating citizen complaints and reviewing use of force incidents. The Working Group also researched the various models of citizen review and studied other relevant materials to assist them in making a recommendation to Council.

The Working Group additionally held community meetings on October 10 and October 13, 2016. Those meetings were held specifically for the purpose of explaining the Police Department's existing processes and for gathering citizen input on how those processes could be improved.

The Working Group plans to recommend that the City adopt a form of citizen review specifically tailored to the needs of the Champaign Police Department. This recommendation is intended to strengthen the Police Department's current processes and increase transparency, public trust, and citizen engagement. It provides for the independent review of citizen complaints prior to the Chief's determination as to the finding(s) of a complaint and also allows for citizen involvement during monthly Use of Force Board meetings.

Conclusions of the Working Group

- The Working Group found the Police Department's existing process for investigating citizen complaints to be thorough and objective.
- The Working Group found that the Department also had a good process in place through the internal Use of Force Review Board to evaluate use of force incidents to identify to policy, training, tactical, and equipment issues and then make improvements.
- The Working Group concluded that the City and the Police Department need to do a better job of communicating with citizens concerning the processes for investigating citizen complaints and reviewing use of force incidents, as many citizens are unaware of how comprehensive and objective the current processes are.
- The Board believes that efforts can be made to increase the ease and accessibility of filing citizen complaints or commendations for officers.
- The Board believes the credibility of existing processes would be enhanced, and the processes would be more transparent, if citizens were involved.
- The Board concluded that changes to the investigation of citizen complaints and the review of use of force incidents should be focused towards building upon and enhancing existing processes, not replacing them.

Recommended Improvements to the Police Complaint Process

- A standing subcommittee of the Human Relations Commission should be created to assist the Community Relations Office with the review of citizen complaint investigations. Their review should take place prior to a finding by the Chief of Police. The sub-committee herein referred to as the Police Complaint Subcommittee, should review the integrity and completeness of the internal investigative process and have the ability to ask questions, request additional information, and recommend whether the Chief of Police accepts or rejects investigative findings.
- The Community Relations Manager will continue to work closely with the Police Department's Office of Professional Standards, serve as the staff liaison to the Police Complaint Sub-Committee, and act as a conduit between the two entities.

- As the Human Relations Commission already possesses subpoena power under the Municipal Code, the Police Complaint Sub-Committee may request that the HRC issue a subpoena when it may be necessary for a witness to make a statement or provide evidence that is essential to a police complaint investigation. Because the City can already compel officers to cooperate with the investigative process through their employment, subpoena power is unnecessary for officer statements and evidence and would be focused on members of the public who will not voluntarily participate in the investigation of a citizen complaint. The discretion to use subpoena power remains under the discretion of the Human Relations Commission.
- The Police Complaint Subcommittee should also have the ability to provide input and make suggestions on the manner in which the Police Department accepts and investigates citizen complaints, to improve the fairness and thoroughness of the process.
- The Police Complaint Subcommittee and the Community Relations Office should provide joint quarterly and annual reports to the Human Relations Commission summarizing their activities. These reports should be publicly available and discussed at open meetings of the Human Relations Commission where citizen input can be provided.
- The reports to the Human Relations Commission on police complaints should include demographic information (gender, race, and age range) for both officers and subjects as well as geographic information about the location of related incidents.
- The Police Complaint Subcommittee should also participate in public outreach and education about the complaint process.
- Members of the Police Complaint Subcommittee would be appointed in the same manner as members of the Human Relations Commission through the Board and Commission appointment process.
- Citizens should be afforded the opportunity to file complaints at locations outside of the police department and the City building. Churches and social service agencies would be appropriate sites to consider.
- Community members should be trained to serve as volunteers who could be used to assist/guide citizens throughout the complaint process.

Recommended Improvements to the Use of Force Review Process

- The Chief of Police should appoint a group of citizens who, on a rotational basis, will sit in on the monthly meetings of the internal Use of Force Review Board. These citizens should have the ability to ask questions, participate in discussions, and provide general feedback on police use of force. Citizen participants on the Use of Force Board process would serve in an advisory capacity and focus on ensuring that the process is thorough, fair, and sensitive to community concerns about Police use of force.
- Citizen participants on the Use of Force Review Board should have demonstrated a prior active interest in promoting positive police-community relations, have served as community leaders or advocates, have knowledge, expertise or experience in law or policing, and/or have other expertise that would enhance the Review Board process.
- Citizen participants on the Use of Force Board should also be expected to undergo training to expand their expertise in police operations and policies such as completing police ride-alongs, training in use of force policies (e.g. – use of force simulator).
- As some cases reviewed by the Board may be active investigations, citizen participants may be asked to sign confidentiality agreements and their access to some information may be limited to preserve the integrity of the criminal investigation process.
- The findings from the Use of Force Review Board's monthly meetings should be made readily available to the public.
- The Police Department's Annual Use of Force Analysis should include demographic information (gender, race, and age range) for both officers and subjects as well as geographic information about the location of use of force incidents.

Additional Recommendations

- The Police Department's website should include professional profiles and contact information for upper command officers (lieutenants and above).
- The Police Department's online complaint form should be modified to allow citizens to upload digital videos and/or photographs at the time a complaint is submitted.

Next Steps

- The Police Complaint Working Group will host a community meeting at Booker T. Washington School at 6:00 p.m. on Thursday, January 5, 2017 to discuss their recommendations and obtain public input.
- City Council will hold a Study Session at 7:00 p.m. on Tuesday, January 24, 2017 to review and discuss the Police Complaint Working Group's recommendations.